

#4202
OK

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

October 24, 2012

TO: Internal File

THRU: Steve Christensen, Permit Supervisor *SLC*

FROM: April A. Abate, Environmental Scientist III *AAA 11/16/2012*

RE: Northwater Mitigation Plan, Task ID #4202, Canyon Fuel Company, LLC,
SUFCO Mine, C0410002

SUMMARY:

On October 17, 2012, Canyon Fuel Company, LLC, (the Permittee) for the SUFCO mine resubmitted the proposal to install a water line from spring M-SP89 to a collection area and use solar pumping technology to bring the water to the four troughs via a water line. In this submittal, SUFCO has responded to a deficiency letter issued by the Division on August 13, 2012. Two hydrologic concerns were outlined in the letter. The first was to account for the network of already installed piezometers in the reclamation bond. The second was to work with the Manti-La Sal National Forest to file a temporary change application for spring M-SP89 where the water supplying the trough water redistribution system will originate from. No point of diversion existed for this particular spring. A temporary change application would be required to add this spring as a point of diversion. The Permittee has been working with the Forest Service to file this application with the Utah Division of Water Rights.

RECOMMENDATIONS:

Conditional approved is granted pending the Division receives proof of documentation indicating that DWRi had approved the temporary change application for the point of diversion for spring M-SP89.

TECHNICAL ANALYSIS:

OPERATION PLAN

The following are previous hydrology-related deficiencies were presented along with the responses received by the company:

Water Rights and Water Replacement

[R645.301-731 224.1, -301.750]: The company did not address water rights issues in their July 12, 2012 submittal. The Division considers the routing of water from the spring a diversion of flow from an undisturbed area. Therefore, under this rule the Permittee is required to comply with all local, state and Federal laws and regulations including the requirement to obtain a water right for the water being put to use for beneficial use. Currently there is no specific water right on spring M-SP80. However, a change application would be required to add this spring as a point of diversion. The USFS currently holds the water rights associated with the drainage that M-SP89 reports to and would be responsible for the filing of this new point of diversion. Until a change application is filed on this spring as a point of diversion, the Division cannot approve the plan.

Findings:

The company has indicated that the USFS is in the process of filing the temporary change application with the DWRi. SUFCO did not provide documentation indicating that DWRi had approved the application.

TECHNICAL MEMO

RECLAMATION PLAN

[R645-301.764-765 & -301.800]: Reclamation costs for the piezometers were not itemized in the bonding cost calculations spreadsheets included in Appendix 5-9. The company will need to provide the Division with an updated bond calculation spreadsheet including the costs of reclamation for the piezometers.

Findings:

The company provided the updated itemized information to include the piezometer removal costs in the bond cost calculation spreadsheet. The information provided is sufficient and meets the Utah Coal Rules.

RECOMMENDATIONS:

Conditional approved is granted pending the Division receives proof of documentation indicating that DWRi had approved the temporary change application for the point of diversion for spring M-SP89.